

1 to 11
OFFICE OF THE CLERKMARCIA M. WALDRON
CLERKUNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790(23)
1/31/02
TELEPHONE
215-597-2995Middle Harrisburg Clerk of District Court
(District)

Date 1/24/02

Herwin vs. Butner
(Caption)

C. of A. No. 01-3184

Michael Herwin
(Appellant)00-cv-01986 (adwill)
(D.C. No.)

RECEIVED

JAN 30 2002

Enclosures:

January 24, 2002
(Date)

Certified copy of C. of A. Order by the Court Clerk

PER
HARRISBURG, PA. DEPUTY CLERK

Released (Record) (Supplemental Record - First - Second - Third)

Copy of this form to acknowledge receipt and return to C. of A.

Record not released at this time until appeal(s) closed at No.(s)

Please forward Certified List in Lieu of Record to this office.

The certified copy of order issued as the mandate on
is recalled.Hayle Burr
Deputy Clerk(267)-299-4921
Telephone Number

Receipt Acknowledge:

George T. Banda
(Name)

1-30-02

(Date)

Rev. 3/13/00

Appeals (Certified List in Lieu of Record)

EPS-38

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 01-3184

RYAN MICHAEL KERWIN,
Appellant

vs.

ROBERT BITNER, ET AL.

(MD PA No. 00-cv-1986)

Present: Marcia M. Waldron, Clerk

Submitted is appellant's affidavit in support of motion to proceed in forma pauperis, which is treated as a motion for leave to appeal in forma pauperis, pursuant to Rule 24, Federal Rules of Appellate Procedure.

in the above-captioned case.

Respectfully,

Clerk

MMW/tsc

ORDER

The foregoing Motion is granted. Appellant is granted leave to proceed in forma pauperis.

Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$105.00 fee in installments, regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the district court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the Clerk for the United States District Court for the Middle District of Pennsylvania (Harrisburg). In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the Clerk of the Middle District of Pennsylvania preceding month's income credited to the

FILED
HARRISBURG

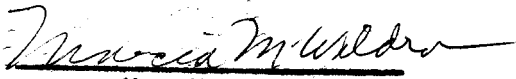
JAN 30 2002

MARY E. DIANDREA, CLERK
Per [Signature]
CLERK

prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal.

The appeal will be submitted to a panel of the Court for determination under 28 U.S.C. § 1915(e)(2). The Court also will consider Appellant's motion for appointment of counsel, as well as any other appropriate action, such as affirmance of the order of the District Court. See Third Circuit Internal Operating Procedure 10.6.

A True Copy:



Marcia M. Waldron,
Clerk

For the Court,



Clerk

Dated: January 24, 2002
ghb/cc: Clerk-MDPA
Mr. Michael Kerwin
Office of Attorney General
Warden-Smithfield SCI